

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
BUTTE DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

vs.

ANNA M. NILES,

Defendant,

JOHN HANCOCK LIFE INSURANCE
COMPANY RETIREMENT PLAN
SERVICES,

Garnishee.

CR 20-2-BU-DLC

ORDER

Before the Court is the United States' Motion for Entry of Agreed Final Order in Garnishment. (Doc. 41). The Parties, the United States and the judgment defendant, agree and stipulate as follows:

1. The judgment defendant's name, social security number are: Anna Niles, ***-**-6544. The defendant resides in Bozeman, Montana.
2. A Judgment was entered against the judgment defendant in this action in the amount of \$423,345.91. The total balance due on the Judgment is \$408,500.00, as of November 14, 2022.
3. The garnishee, John Hancock Life Insurance Company Retirement Services, P.O. Box. 600, Buffalo, NY 14201-0600, has in its possession, custody or

control property of the judgment defendant in the form of the Clair W. Daines, Inc. 401(k) Profit Sharing Plan, for the benefit of the judgment defendant.

4. The judgment defendant waives services of an application for a writ of continuing garnishment pursuant to Section 3205 of the Federal Debt Collection Procedures Act of 1990 (FDCPA), 28 U.S.C. § 3205, and further waives her right to a hearing under section 3205 and any other process to which the judgment defendant may be entitled under the FDCPA.

5. The judgment defendant agrees and stipulates that her Clair W. Daines, Inc. 401(k) Profit Sharing Plan account is subject to garnishment under 28 U.S.C. § 3205 and expressly agrees and stipulates that the entry of a final order in garnishment is proper.

6. The parties therefore agree and stipulate to the entry of a final order in garnishment against the judgment defendant's non-exempt Clair W. Daines, Inc. 401(k) Profit Sharing Plan account. It is expressly agreed and stipulated to by the parties that the garnishee shall pay to the United States the full balance of the Clair W. Daines, Inc. 401(k) Profit Sharing Plan account in the defendant's name and shall be withheld from the judgment defendant.

7. These funds will be applied to the monetary judgment rendered against Anna Niles in this cause. Checks should be made payable to: “Clerk of U.S. District Court”, referencing CR 20-2-BU and mailed to:

Clerk of U.S. District Court
201 E Broadway
Missoula, MT 59802

8. Nothing in this agreement prevents the plaintiff from pursuing administrative offsets of any funds owed to the defendant by any government agency, including the Internal Revenue Service, and the judgment defendant specifically consents to any such offset. Any payments applied to this claim by the Internal Revenue Service as a result of tax return offsets will be credited as a payment to the existing balance.

10. The judgment defendant can at any time, request an accounting of the funds garnished. However, the judgment defendant hereby knowingly waives any rights that she may have under 28 U.S.C. § 3205(c)(9) to any automatic accounting.

Accordingly, IT IS ORDERED that the motion (Doc. 41) is GRANTED. The Parties’ stipulated terms for the final order of garnishment, as expressed above, are adopted.

DATED this 9th day of January, 2023.



Dana L. Christensen, District Judge
United States District Court